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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TRACI DARNELL,

Plaintiff,

v.

LOUIS DEJOY, POSTMASTER GENERAL,  
UNITED STATES POSTAL SERVICE; and  
DOES 1 through 5, inclusive,

Defendants.

No. 2:21-cv-01557-TLN-DB

**STIPULATION AND ORDER FOR  
MODIFYING INITIAL PRETRIAL  
SCHEDULING ORDER**

**STIPULATION AND ORDER**

Pursuant to Federal Rule of Civil Procedure 26(f), Local Rule 240(b), and the Court's Initial Pretrial Scheduling Order (ECF 4), the parties have met and conferred regarding the nature of their claims and defenses; the possibility of promptly settling or resolving this case; the disclosures required by Rule 26(a); and developing a proposed discovery plan. Having so met and conferred,

IT IS HEREBY STIPULATED, by and between the parties and subject to Court approval, that the Initial Pretrial Scheduling Order shall be modified as set forth below:

Deadline for serving initial disclosures..... January 7, 2022

Deadline for completing non-expert discovery..... August 26, 2022

Deadline for filing initial expert disclosures..... September 16, 2022

Deadline for filing rebuttal expert disclosures..... October 14, 2022

Deadline for completing expert-witness discovery..... December 16, 2022

Deadline for filing dispositive motions..... January 27, 2023

**I. Brief Case Summary**

Plaintiff Traci Darnell worked as a city carrier for the United States Postal Service in Sacramento, California, from approximately December 2018 to April 2021. In her operative Complaint, she asserts two claims against the Postal Service under Title VII of the Civil Rights Act of 1964 (as amended) and the Rehabilitation Act of 1973 (as amended). Specifically, Plaintiff alleges she experienced a sexually hostile work environment in violation of Title VII, and that the Postal Service failed to reasonably accommodate her mental disability in violation of the Rehabilitation Act.

In compliance with Federal Rule of Civil Procedure 26(f)(3), the parties provide the following additional information for the Court's consideration.

**II. Compliance with Federal Rule of Civil Procedure 26(f)(3)**

**A. Disclosures Pursuant to Rule 26(a)**

The parties will serve their initial disclosures no later than January 7, 2022. The parties will serve initial expert disclosures no later than September 16, 2022. The parties will serve any rebuttal expert disclosures no later than October 14, 2022.

1 The parties anticipate offering expert testimony in connection with Plaintiff's allegations of  
2 mental disability, severe emotional distress, and economic damages. Defendant will seek to have  
3 Plaintiff submit to a mental examination pursuant to Federal Rule of Civil Procedure 35.

4 **B. Subjects and Timing of Discovery**

5 The subjects of discovery will include Plaintiff's employment history, the facts and  
6 circumstances surrounding Plaintiff's allegations of sexual harassment, Plaintiff's alleged disability,  
7 Plaintiff's alleged need and request for a reasonable accommodation, and the existence, extent, and  
8 cause of any damages that Plaintiff attributes to the Postal Service, including her allegations of severe  
9 emotional distress and economic damages. The parties propose a deadline of August 26, 2022, to  
10 complete non-expert discovery, and a deadline of December 16, 2022, to complete expert discovery.

11 **C. Electronically Stored Information**

12 The parties do not anticipate any issues concerning the disclosure, discovery, or preservation of  
13 electronically stored information.

14 **D. Protection of Privileges or Trial-Preparation Materials**

15 Pursuant to Rule 502(d) of the Federal Rules of Evidence, the disclosure of any document or  
16 communication that is subject to the attorney-client privilege or attorney work-product doctrine shall not  
17 operate as a waiver of the privilege or protection from discovery in the instant case or any other  
18 proceeding, regardless of whether such disclosure is inadvertent.

19 **E. Changes in Discovery Limitations**

20 The parties do not propose any changes to the limitations imposed on discovery by the Federal  
21 Rules of Civil Procedure and the Court's Local Rules.

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**F. Other Orders Concerning Discovery**

The parties agree to accept service via e-mail and/or the Department of Justice's cloud-based file-sharing platform, USAfx (<https://usafx.account.box.com>), pursuant to Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure.

Dated: December 27, 2021

Respectfully submitted,

VICTIM COMPENSATION LAW GROUP, APC

By: /s/ Garrett J. Hines (authorized 12/27/2021)  
GARRETT J. HINES

Attorney for Plaintiff

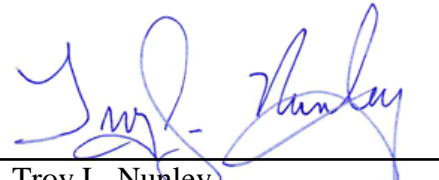
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Acting United States Attorney

By: /s/ Joseph B. Frueh  
JOSEPH B. FRUEH  
Assistant United States Attorney

Attorneys for Defendant

**IT IS SO ORDERED.**

Dated: December 29, 2021

  
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Troy L. Nunley  
United States District Judge